

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF VERMONT

| | | |
|---|---|----------------------------|
| EUGENE F. LADD, | : | |
| | : | |
| Plaintiff, | : | |
| | : | |
| v. | : | File No. 1:16-cv-00067-jgm |
| | : | |
| LISA MENARD, Commissioner, Vermont | : | |
| Department of Corrections; and | : | |
| DEBORAH THIBAULT, Superintendent, | : | |
| Burlington Probation and Parole Office, | : | |
| | : | |
| Defendants. | : | |

ORDER

j

The Magistrate Judge's Report and Recommendation was filed September 12, 2016. (Doc. 21.) Plaintiff Eugene F. Ladd requested a thirty-day extension to file an objection to the Report and Recommendation and the deadline was extended until October 31, 2016. (Docs. 22, 23.) An objection has not been filed. The Report and Recommendation is AFFIRMED, APPROVED and ADOPTED. See 28 U.S.C. § 636(b)(1).

Defendants' Motion to Dismiss (Doc. 11) is GRANTED. Plaintiff shall be allowed thirty days to file an Amended Complaint. The amended filing should be entitled "Amended Complaint" and contain all claims against all parties, as it will supersede the original Complaint in all respects. Failure to file an Amended Complaint within thirty days will result in dismissal of this action with prejudice.

It is further certified that any appeal taken in forma pauperis from this Order would not be taken in good faith because such an appeal would be frivolous. See 28 U.S.C. § 1915(a)(3).

SO ORDERED.

Dated at Brattleboro, in the District of Vermont, this 17th day of November, 2016.

/s/ J. Garvan Murtha

Honorable J. Garvan Murtha
United States District Judge